

(ii) identify possible revisions to the plan that will address the opposing party's concerns.

(3) If a LEC's plan is opposed under paragraph (d)(1)(ii) of this section, the Common Carrier Bureau will act on the plan within ninety days of the date on which the Commission released its public notice. In the event the Bureau fails to act within ninety days, the plan will not go into effect pending Bureau action. If the plan is not opposed, but it did not go into effect on the fifteenth day following the release of the Commission's public notice (*see* paragraph (d)(1)(i) of this section), and the Common Carrier Bureau fails to act on the plan within ninety days of the date on which the Commission released its public notice, the plan will be deemed approved without further Commission action on the ninety-first day after the date on which the Commission released its public notice of the plan's filing.

8. A new section 51.215 is added to read as follows:

§ 51.215 Dialing parity: cost recovery.

(a) A LEC may recover the incremental costs necessary for the implementation of toll dialing parity. The LEC must recover such costs from all providers of telephone exchange service and telephone toll service in the area served by the LEC, including that LEC. The LEC shall use a cost recovery mechanism established by the state.

(b) Any cost recovery mechanism for the provision of toll dialing parity pursuant to this section that a state adopts must not:

(1) give one service provider an appreciable cost advantage over another service provider, when competing for a specific subscriber (*i.e.*, the recovery mechanism may not have a disparate effect on the incremental costs of competing service providers seeking to serve the same customer); or

(2) have a disparate effect on the ability of competing service providers to earn a normal return on their investment.

9. A new section 51.217 is added to read as follows:

§ 51.217 Nondiscriminatory access: telephone numbers, operator services, directory assistance services, and directory listings.

(a) *Definitions.* As used in this section, the following definitions apply:

(1) *Competing provider.* A "competing provider" is a provider of telephone exchange or telephone toll services that seeks nondiscriminatory access from a local exchange carrier (LEC) in that LEC's service area.

(2) *Nondiscriminatory access.* "Nondiscriminatory access" refers to access to telephone numbers, operator services, directory assistance and directory listings that is at least equal to the access that the providing local exchange carrier (LEC) itself receives. Nondiscriminatory access includes, but is not limited to: (i) nondiscrimination between and among carriers in the rates, terms, and conditions of the access provided; and (ii) the ability of the competing provider to obtain access that is at least equal in quality to that of the providing LEC.

(3) *Providing local exchange carrier* (LEC). A "providing local exchange carrier" is a local exchange carrier (LEC) that is required to permit nondiscriminatory access to a competing provider.

(b) *General rule.* A local exchange carrier (LEC) that provides operator services, directory assistance services or directory listings to its customers, or provides telephone numbers, shall permit competing providers of telephone exchange service or telephone toll service to have nondiscriminatory access to that service or feature, with no unreasonable dialing delays.

(c) *Specific requirements.* A LEC subject to paragraph (b) of this section must also comply with the following requirements:

(1) *Telephone numbers.* A LEC shall permit competing providers to have access to telephone numbers that is identical to the access that the LEC provides to itself.

(2) *Operator services.* A LEC must permit telephone service customers to connect to the operator services offered by that customer's chosen local service provider by dialing "0," or "0" plus the desired telephone number, regardless of the identity of the customer's local telephone service provider.

(3) *Directory assistance services and directory listings.*

(i) *Access to directory assistance.* A LEC shall permit competing providers to have access to its directory assistance services so that any customer of a competing provider can obtain directory listings, except as provided in paragraph (c)(3)(iii) of

this section, on a nondiscriminatory basis, notwithstanding the identity of the customer's local service provider, or the identity of the provider for the customer whose listing is requested.

(ii) *Access to directory listings.* A LEC shall provide directory listings to competing providers in readily accessible magnetic tape or electronic formats in a timely fashion upon request. A LEC also must permit competing providers to have access to and read the information in the LEC's directory assistance databases.

(iii) *Unlisted numbers.* A LEC shall not provide access to unlisted telephone numbers, or other information that its customer has asked the LEC not to make available. The LEC shall ensure that access is permitted only to the same directory information that is available to its own directory assistance customers.

(iv) *Adjuncts to services.* Operator services and directory assistance services must be made available to competing providers in their entirety, including access to any adjunct features (*e.g.*, rating tables or customer information databases) necessary to allow competing providers full use of these services.

(d) *Branding of operator services and directory assistance services.* The refusal of a providing local exchange carrier (LEC) to comply with the reasonable request of a competing provider that the providing LEC rebrand its operator services and directory assistance, or remove its brand from such services, creates a presumption that the providing LEC is unlawfully restricting access to its operator services and directory assistance. The providing LEC can rebut this presumption by demonstrating that it lacks the capability to comply with the competing provider's request.

(e) *Disputes.*

(1) *Disputes involving nondiscriminatory access.* In disputes involving nondiscriminatory access to operator services, directory assistance services, or directory listings, a providing LEC shall bear the burden of demonstrating with specificity: (i) that it is permitting nondiscriminatory access, and (ii) that any disparity in access is not caused by factors within its control. "Factors within its control" include, but are not limited to, physical facilities, staffing, the ordering of supplies or equipment, and maintenance.

(2) *Disputes involving unreasonable dialing delay.* In disputes between providing local exchange carriers (LECs) and competing providers involving unreasonable dialing delay in the provision of access to operator services and directory assistance, the burden of proof is on the providing LEC to demonstrate with specificity that it is processing the calls of the competing provider's customers on terms equal to that of similar calls from the providing LEC's own customers.

10. Section 51.305 is revised by adding a new subsection (f) as follows:

§ 51.305 Interconnection.

* * * * *

(f) An incumbent LEC shall provide to a requesting telecommunications carrier technical information about the incumbent LEC's network facilities sufficient to allow the requesting carrier to achieve interconnection consistent with the requirements of this section.

11. Section 51.307 is revised by adding a new subsection (e) as follows:

§ 51.307 Duty to provide access on an unbundled basis to network elements.

* * * * *

(e) An incumbent LEC shall provide to a requesting telecommunications carrier technical information about the incumbent LEC's network facilities sufficient to allow the requesting carrier to achieve access to unbundled network elements consistent with the requirements of this section.

12. A new section 51.325 is added to read as follows:

§ 51.325 Notice of network changes: public notice requirement.

(a) An incumbent local exchange carrier ("LEC") must provide public notice regarding any network change that:

(1) will affect a competing service provider's performance or ability to provide service; or

(2) will affect the incumbent LEC's interoperability with other service providers.

(b) For purposes of this section, *interoperability* means the ability of two or more facilities, or networks, to be connected, to exchange information, and to use the information that has been exchanged.

(c) Until public notice has been given in accordance with §§ 51.325 - 51.335, an incumbent LEC may not disclose to separate affiliates, separated affiliates, or unaffiliated entities (including actual or potential competing service providers or competitors), information about planned network changes that are subject to this section.

(d) For the purposes of §§ 51.325 - 51.335, the term *services* means telecommunications services or information services.

13. A new section 51.327 is added to read as follows:

§ 51.327 Notice of network changes: content of notice.

(a) Public notice of planned network changes must, at a minimum, include:

(1) the carrier's name and address;

(2) the name and telephone number of a contact person who can supply additional information regarding the planned changes;

(3) the implementation date of the planned changes;

(4) the location(s) at which the changes will occur;

(5) a description of the type of changes planned (Information provided to satisfy this requirement must include, as applicable, but is not limited to, references to technical specifications, protocols, and standards regarding transmission, signaling, routing, and facility assignment as well as references to technical standards that would be applicable to any new technologies or equipment, or that may otherwise affect interconnection); and

(6) a description of the reasonably foreseeable impact of the planned changes.

(b) The incumbent LEC also shall follow, as necessary, procedures relating to confidential or proprietary information contained in § 51.335.

14. A new section 51.329 is added to read as follows:

§ 51.329 Notice of network changes: methods for providing notice.

(a) In providing the required notice to the public of network changes, an incumbent LEC may use one of the following methods:

(1) filing a public notice with the Commission; or

(2) providing public notice through industry fora, industry publications, or the carrier's publicly accessible Internet site. If an incumbent LEC uses any of the methods specified in paragraph (a)(2) of this section, it also must file a certification with the Commission that includes:

- (i) a statement that identifies the proposed changes;
- (ii) a statement that public notice has been given in compliance with §§ 51.325 - 51.335; and
- (iii) a statement identifying the location of the change information and describing how this information can be obtained

(b) Until the planned change is implemented, an incumbent LEC must keep the notice available for public inspection, and amend the notice to keep the information complete, accurate and up-to-date.

(c) *Specific filing requirements.* Commission filings under this section must be made as follows:

(1) The public notice or certification must be labeled with one of the following titles, as appropriate: "Public Notice of Network Change Under Rule 51.329(a)," "Certification of Public Notice of Network Change Under Rule 51.329(a)," "Short Term Public Notice Under Rule 51.333(a)," or "Certification of Short Term Public Notice Under Rule 51.333(a)."

(2) Two paper copies of the incumbent LEC's public notice or certification, required under paragraph (a) of this section, must be sent to "Secretary, Federal Communications Commission, Washington, D.C. 20554." The date on which this filing is received by the Secretary is considered the official filing date.

(3) In addition, one paper copy and one diskette copy must be sent to the "Chief, Network Services Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554." The diskette copy must be on a standard 3½ inch diskette, formatted in IBM-compatible format to be readable by high-density floppy drives operating under MS DOS 5.X or later compatible versions, and shall be in a word-processing format designated, from time-to-time, in public notices released by the Network Services Division. The diskette must be submitted in "read only" mode, and must be clearly labeled with the carrier's name, the filing date, and an identification of the diskette's contents.

15. A new section 51.331 is added to read as follows:

§ 51.331 Notice of network changes: timing of notice.

(a) An incumbent LEC shall give public notice of planned changes at the make/buy point, as defined in paragraph (b) of this section, but at least 12 months before implementation, except as provided below.

(1) If the changes can be implemented within twelve months of the make/buy point, public notice must be given at the make/buy point, but at least six months before implementation.

(2) If the changes can be implemented within six months of the make/buy point, public notice may be given pursuant to the short term notice procedures provided in § 51.333.

(b) For purposes of this section, the *make/buy point* is the time at which an incumbent LEC decides to make for itself, or to procure from another entity, any product the design of which affects or relies on a new or changed network interface. If an incumbent LEC's planned changes do not require it to make or to procure a product, then the make/buy point is the point at which the incumbent LEC makes a definite decision to implement a network change.

(1) For purposes of this section, a *product* is any hardware or software for use in an incumbent LEC's network or in conjunction with its facilities that, when installed, could affect the compatibility of an interconnected service provider's network, facilities or services with an incumbent LEC's existing telephone network, facilities or services, or with any of an incumbent carrier's services or capabilities.

(2) For purposes of this section a *definite decision* is reached when an incumbent LEC determines that the change is warranted, establishes a timetable for anticipated implementation, and takes any action toward implementation of the change within its network.

16. A new section 51.333 is added to read as follows:

§ 51.333 Notice of network changes: short term notice.

(a) *Certificate of service.* If an incumbent LEC wishes to provide less than six months notice of planned network changes, the public notice or certification that it files with the Commission must include a certificate of service in addition to the information required by § 51.327(a) or § 51.329(a)(2), as applicable. The certificate of service shall include:

(1) a statement that, at least five business days in advance of its filing with the Commission, the incumbent LEC served a copy of its public notice upon each telephone exchange service provider that directly interconnects with the incumbent LEC's network; and

(2) the name and address of each such telephone exchange service provider upon which the notice was served.

(b) *Implementation date.* The Commission will release a public notice of such short term notice filings. Short term notices shall be deemed final on the tenth business day after

the release of the Commission's public notice, unless an objection is filed, pursuant to paragraph (c) of this section.

(c) *Objection procedures.* An objection to an incumbent LEC's short term notice may be filed by an information service provider or telecommunication service provider that directly interconnects with the incumbent LEC's network. Such objections must be filed with the Commission, and served on the incumbent LEC, no later than the ninth business day following the release of the Commission's public notice. All objections to an incumbent LEC's short term notice must:

(1) state specific reasons why the objector cannot accommodate the incumbent LEC's changes by the date stated in the incumbent LEC's public notice and must indicate any specific technical information or other assistance required that would enable the objector to accommodate those changes;

(2) list steps the objector is taking to accommodate the incumbent LEC's changes on an expedited basis;

(3) state the earliest possible date (not to exceed six months from the date the incumbent LEC gave its original public notice under this section) by which the objector anticipates that it can accommodate the incumbent LEC's changes, assuming it receives the technical information or other assistance requested under paragraph (c)(1) of this section;

(4) provide any other information relevant to the objection; and

(5) provide the following affidavit, executed by the objector's president, chief executive officer, or other corporate officer or official, who has appropriate authority to bind the corporation, and knowledge of the details of the objector's inability to adjust its network on a timely basis:

"I, *(name and title)*, under oath and subject to penalty for perjury, certify that I have read this objection, that the statements contained in it are true, that there is good ground to support the objection, and that it is not interposed for purposes of delay. I have appropriate authority to make this certification on behalf of *(objector)* and I agree to provide any information the Commission may request to allow the Commission to evaluate the truthfulness and validity of the statements contained in this objection."

(d) *Response to objections.* If an objection is filed, an incumbent LEC shall have until no later than the fourteenth business day following the release of the Commission's public notice to file with the Commission a response to the objection and to serve the response on all parties that filed objections. An incumbent LEC's response must:

(1) provide information responsive to the allegations and concerns identified by the objectors;

(2) state whether the implementation date(s) proposed by the objector(s) are acceptable:

(3) indicate any specific technical assistance that the incumbent LEC is willing to give to the objectors; and

(4) provide any other relevant information.

(e) *Resolution.* If an objection is filed pursuant to paragraph (c) of this section, then the Chief, Network Services Division, Common Carrier Bureau, will issue an order determining a reasonable public notice period, *provided however*, that if an incumbent LEC does not file a response within the time period allotted, or if the incumbent LEC's response accepts the latest implementation date stated by an objector, then the incumbent LEC's public notice shall be deemed amended to specify the implementation date requested by the objector, without further Commission action. An incumbent LEC must amend its public notice to reflect any change in the applicable implementation date pursuant to § 51.329(b).

17. A new section 51.335 is added to read as follows:

§ 51.335 Notice of network changes: confidential or proprietary information.

(a) If an incumbent LEC claims that information otherwise required to be disclosed is confidential or proprietary, the incumbent LEC's public notice must include, in addition to the information identified in § 51.327(a), a statement that the incumbent LEC will make further information available to those signing a nondisclosure agreement.

(b) *Tolling the public notice period.* Upon receipt by an incumbent LEC of a competing service provider's request for disclosure of confidential or proprietary information, the applicable public notice period will be tolled until the parties agree on the terms of a nondisclosure agreement. An incumbent LEC receiving such a request must amend its public notice as follows:

(1) on the date it receives a request from a competing service provider for disclosure of confidential or proprietary information, to state that the notice period is tolled; and

(2) on the date the nondisclosure agreement is finalized, to specify a new implementation date.

PART 52 - NUMBERING

18. The authority citation for Part 52 is amended to read as follows:

AUTHORITY: Sections 1, 2, 4, 5, 48 Stat. 1066. as amended; 47 U.S.C. §§ 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201-05, 207-09, 218, 225-7, 251-2, 271 and 332, 48 Stat. 1070. as amended, 1077; 47 U.S.C. §§ 153, 154, 201-05, 207-09, 218, 225-7, 251-2, 271 and 332 unless otherwise noted.

19. The table of contents for Part 52 is amended to read as follows:

Subpart A - Scope and Authority

- § 52.1 Basis and purpose.**
- § 52.3 General.**
- § 52.5 Definitions.**

Subpart B - Administration

- § 52.7 Definitions.**
- § 52.9 General requirements.**
- § 52.11 North American Numbering Council.**
- § 52.13 North American Numbering Plan Administrator.**
- § 52.15 Central office code administration.**
- § 52.17 Costs of number administration.**
- § 52.19 Area code relief.**

Subpart C - Number Portability

- § 52.21 Definitions.**
- § 52.23 Deployment of long-term database methods for number portability by LECs.**
- § 52.25 Database architecture and administration.**
- § 52.27 Deployment of transitional measures for number portability.**
- § 52.29 Cost recovery for transitional measures for number portability.**
- § 52.31 Deployment of long-term database methods for number portability by CMRS providers.**
- §§ 52.32 - 52.99 [Reserved]**

20. Subpart A is added to Part 52 to read as follows:

Subpart A - Scope and Authority.

§ 52.1 Basis and purpose.

(a) *Basis.* These rules are issued pursuant to the Communications Act of 1934, as amended, 47 U.S.C. 151 *et. seq.*

(b) *Purpose.* The purpose of these rules is to establish, for the United States, requirements and conditions for the administration and use of telecommunications numbers for provision of telecommunications services.

§ 52.3 General.

The Commission shall have exclusive authority over those portions of the North American Numbering Plan (NANP) that pertain to the United States. The Commission may delegate to the States or other entities any portion of such jurisdiction.

§ 52.5 Definitions.

As used in this Part:

(a) *Incumbent local exchange carrier.* With respect to an area, an "incumbent local exchange carrier" is a local exchange carrier that -- (1) on February 8, 1996, provided telephone exchange service in such area; and (2) (i) on February 8, 1996, was deemed to be a member of the exchange carrier association pursuant to § 69.601(b) of this chapter (47 CFR 69.601(b)); or (ii) is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in clause (i).

(b) *North American Numbering Council* (NANC). The "North American Numbering Council" is an advisory committee created under the Federal Advisory Committee Act, 5 U.S.C., App (1988), to advise the Commission and to make recommendations, reached through consensus, that foster efficient and impartial number administration.

(c) *North American Numbering Plan* (NANP). The "North American Numbering Plan" is the basic numbering scheme for the telecommunications networks located in Anguilla, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Canada, Cayman Islands, Dominica, Dominican Republic, Grenada, Jamaica, Montserrat, St. Kitts & Nevis, St. Lucia, St. Vincent, Turks & Caicos Islands, Trinidad & Tobago, and the United States (including Puerto Rico, the U.S. Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands).

(d) *State.* The term "state" includes the District of Columbia and the Territories and possessions.

(e) State commission. The term "state commission" means the commission, board, or official (by whatever name designated) which under the laws of any state has regulatory jurisdiction with respect to intrastate operations of carriers.

(f) Telecommunications. "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(g) Telecommunications carrier. A "telecommunications carrier" is any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in 47 U.S.C. § 226(a)(2)).

(h) Telecommunications service. The term "telecommunications service" refers to the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

21. In part 52, subpart B is redesignated as subpart C, and §§ 52.1 through 52.12 are redesignated as §§ 52.21 through 52.31; a new subpart B is added as follows:

Subpart B - Administration

§ 52.7 Definitions.

As used in this subpart:

(a) Area code or numbering plan area (NPA). The term "area code or numbering plan area" refers to the first three digits (NXX) of a ten-digit telephone number in the form NXX-NXX-XXXX, where N represents any one of the numbers 2 through 9 and X represents any one of the numbers 0 through 9.

(b) Area code relief. The term "area code relief" refers to the process by which central office codes are made available when there are few or no unassigned central office codes remaining in an existing area code and a new area code is introduced.

(c) Central office (CO) code. The term "central office code" refers to the second three digits (NXX) of a ten-digit telephone number in the form NXX-NXX-XXXX, where N represents any one of the numbers 2 through 9 and X represents any one of the numbers 0 through 9.

(d) Central office (CO) code administrator. The term "central office code administrator" refers to the entity or entities responsible for managing central office codes in each area code.

(e) North American Numbering Plan Administrator (NANPA). The term "North American Numbering Plan Administrator" refers to the entity or entities responsible for managing the NANP.

§ 52.9 General requirements.

(a) To ensure that telecommunications numbers are made available on an equitable basis, the administration of telecommunications numbers shall, in addition to the specific requirements set forth in this subpart:

(1) facilitate entry into the telecommunications marketplace by making telecommunications numbering resources available on an efficient, timely basis to telecommunications carriers:

(2) not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and

(3) not unduly favor one telecommunications technology over another.

(b) If the Commission delegates any telecommunications numbering administration functions to any State or other entity pursuant to 47 U.S.C. § 251(e)(1), such State or entity shall perform these functions in a manner consistent with this part.

§ 52.11 North American Numbering Council.

The duties of the North American Numbering Council (NANC), may include, but are not limited to:

(a) advising the Commission on policy matters relating to the administration of the NANP in the United States;

(b) making recommendations, reached through consensus, that foster efficient and impartial number administration;

(c) initially resolving disputes, through consensus, pertaining to number administration in the United States;

(d) recommending to the Commission an appropriate entity to serve as the NANPA;

(e) recommending to the Commission an appropriate mechanism for recovering the costs of NANP administration in the United States, consistent with § 52.17;

(f) carrying out the duties described in § 52.25; and

(g) carrying out this part as directed by the Commission.

§ 52.13 North American Numbering Plan Administrator.

(a) The North American Numbering Plan Administrator (NANPA) shall be an independent and impartial non-government entity.

(b) The duties of the NANPA shall include, but are not limited to:

(1) ensuring that the interests of all NANP member countries are considered;

(2) processing number assignment applications associated with, but not limited to: area codes, N11 codes, carrier identification codes (CICs), "500" central office codes, "900" central office codes, "456" central office codes, Signalling System 7 network codes, and Automatic Number Identification Integration Integers (ANI II);

(3) assigning the numbers and codes described in paragraph (b)(2) of this section;

(4) maintaining and monitoring administrative number databases;

(5) assuming additional telecommunications number administration activities, as assigned; and

(6) ensuring that any action taken with respect to number administration is consistent with this Part.

§ 52.15 Central office code administration.

(a) Central Office Code Administration shall be performed by the NANPA, or another entity or entities, as designated by the Commission.

(b) Duties of the entity or entities performing central office code administration may include, but are not limited to:

(1) processing central office code assignment applications and assigning such codes in a manner that is consistent with this Part;

(2) accessing and maintaining central office code assignment databases;

(3) contributing to the CO Code Use Survey (COCUS), an annual survey that describes the present and projected use of CO codes for each NPA in the NANP;

(4) monitoring the use of central office codes within each area code and forecasting the date by which all central office codes within that area code will be assigned; and

(5) planning for and initiating area code relief, consistent with § 52.19.

(c) Any telecommunications carrier performing central office code administration:

(1) shall not charge fees for the assignment or use of central office codes to other telecommunications carriers, including paging and CMRS providers, unless the telecommunications carrier assigning the central office code charges one uniform fee for all carriers, including itself and its affiliates; and

(2) shall, consistent with this subpart, apply identical standards and procedures for processing all central office code assignment requests, and for assigning such codes, regardless of the identity of the telecommunications carrier making the request.

§ 52.17 Costs of number administration.

All telecommunications carriers in the United States shall contribute on a competitively neutral basis to meet the costs of establishing numbering administration.

(a) For each telecommunications carrier, such contributions shall be based on the gross revenues from the provision of its telecommunications services.

(b) The contributions in paragraph (a) of this section shall be based on each contributor's gross revenues from its provision of telecommunications services reduced by all payments for telecommunications services and facilities that have been paid to other telecommunications carriers.

§ 52.19 Area code relief.

(a) State commissions may resolve matters involving the introduction of new area codes within their states. Such matters may include, but are not limited to: directing whether area code relief will take the form of a geographic split, an overlay area code, or a boundary realignment; establishing new area code boundaries; establishing necessary dates for the implementation of area code relief plans; and directing public education and notification efforts regarding area code changes.

(b) State commissions may perform any or all functions related to initiation and development of area code relief plans, so long as they act consistently with the guidelines enumerated in this part, and subject to paragraph (b)(2) of this section. For the purposes of this paragraph, initiation and development of area code relief planning encompasses all functions related to the implementation of new area codes that were performed by central

office code administrators prior to February 8, 1996. Such functions may include: declaring that the area code relief planning process should begin; convening and conducting meetings to which the telecommunications industry and the public are invited on area code relief for a particular area code; and developing the details of a proposed area code relief plan or plans.

(1) The entity or entities designated by the Commission to serve as central office code administrator(s) shall initiate and develop area code relief plans for each area code in each state that has not notified such entity or entities, pursuant to paragraph (b)(2) of this section, that the state will handle such functions.

(2) Pursuant to paragraph (b)(1) of this section, a state commission must notify the entity or entities designated by the Commission to serve as central office code administrator(s) for its state that such state commission intends to perform matters related to initiation and development of area code relief planning efforts in its state. Notification shall be written and shall include a description of the specific functions the state commission intends to perform. Where the NANP Administrator serves as the central office code administrator, such notification must be made within 120 days of the selection of the NANP Administrator.

(c) New area codes may be introduced through the use of:

(1) a geographic area code split, which occurs when the geographic area served by an area code in which there are few or no central office codes left for assignment is split into two or more geographic parts;

(2) an area code boundary realignment, which occurs when the boundary lines between two adjacent area codes are shifted to allow the transfer of some central office codes from an area code for which central office codes remain unassigned to an area code for which few or no central office codes are left for assignment; or

(3) an area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code, subject to the following conditions:

(i) No area code overlay may be implemented unless all central office codes in the new overlay area code are assigned to those entities requesting assignment on a first-come, first-serve basis, regardless of the identity of, technology used by, or type of service provided by that entity. No group of telecommunications carriers shall be excluded from assignment of central office codes in the existing area code, or be assigned such codes only from the overlay area code, based solely on that group's provision of a specific type of telecommunications service or use of a particular technology;

(ii) No area code overlay may be implemented unless there exists, at the time of implementation, mandatory ten-digit dialing for every telephone call within and between all area codes in the geographic area covered by the overlay area code; and

(iii) No area code overlay may be implemented unless every telecommunications carrier, including CMRS providers, authorized to provide telephone exchange service, exchange access, or paging service in that NPA 90 days before introduction of the new overlay area code, is assigned during that 90 day period at least one central office code in the existing area code.

22. Subpart C is added to read as follows:

Subpart C - Number Portability

* * * * *

§§ 52.1 through 52.12 [Redesignated]

23. Sections 52.1 through 52.12 are redesignated as follows:

Old section	New section
52.1	52.21
52.3	52.23
52.5	52.25
52.7	52.27
52.9	52.29
52.11	52.31
52.12 - 52.99 [Reserved]	52.32 - 52.99 [Reserved]

24. Paragraphs (f), (l), (s), (t) and (u) of section 52.21 are removed and redesignated respectively as paragraphs (a), (b), (f), (g) and (h) of section 52.5. The remaining paragraphs of section 52.21 are redesignated in alphabetical order to read (a) - (q).

Tab

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Network Services Division
August 1996

SUBJECT: Carrier Identification Codes

SUMMARY:

In April 1994, the Commission issued a Notice of Proposed Rulemaking (NPRM) in CC Docket No. 92-237 addressing various issues relating to NANP administration. The NPRM tentatively concluded, regarding carrier identification codes (CICs), that the industry's plan to expand Feature Group D (FGD) CICs from three to four digits, in the event of exhaust of the three digit codes, was reasonable to assure that the demand for CICs could be met. The NPRM also tentatively concluded that the transition period for the expansion of FGD CICs from three to four digits should last six years. During the transition period, both three and four digit CICs are in use, but eventually all CICs will be four digits.

On March 17, 1995, at Bellcore's suggestion, the Bureau directed Bellcore to assign only one three or four digit CIC to each entity, and stated that this limit would remain in effect until such time as the Bureau could conduct a full investigation of the reasons for the precipitous increase in CIC demand. The Bureau issued (on September 26, 1995) only one, limited exception to this limit, for CICs to be used solely for the purposes of complying with a State's intraLATA presubscription requirement. The Bureau has determined that the limit must remain in place, due to extraordinary demand.

The Commission, in a Public Notice in this docket issued April 30, 1996, requested further comments to refresh the record on the NPRM. In the Public Notice, the Commission sought further comments specifically on the issue of the appropriate length of the transition or permissive dialing period for the expansion from three to four digit CICs during which both three and four digit CICs would be recognized. The Commission directed commenters to limit their comments to updated factual information in light of the following significant events which had occurred since the record closed: (1) the assignment of exclusively four digit FGD CICs has begun, and in turn the transition period has begun; (2) there has been an unexpected increase in the demand for CICs, due to the new uses for codes recently discovered by the industry; (3) We now expect an even greater demand of CICs, with the anticipated increase in carriers entering the market as a result of the Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996) (1996 Act); and (4) local exchange carriers are now required to provide dialing parity under Section 251 of the 1996 Act., see 47 U.S.C. 251(b)(3).

STATUS:

The Bureau, in CC Docket No. 92-237, is drafting a Report and Order addressing the issue of the length of the transition period.

BACKGROUND:

CICs are numeric codes that were designed to enable local exchange carriers (LECs), as providers of interexchange access services, to identify access customers in order to bill and

route traffic to them. CICs facilitate competition by providing consumers with the means to access any number of telecommunications services providers serving the public switched telephone network. CICs support broadened consumer choice, for example, by enabling subscribers to pre-register with the presubscribed long-distance carrier of their choice. They also comprise the suffix of Carrier Access Codes (CACs), which enable subscribers to reach their long distance carriers of choice from any telephone. Thus, from any telephone, subscribers may dial the seven digit CAC format ("101XXXX") to reach any carrier that they choose, with the last four digits ("XXXX") representing the chosen carrier's unique CIC.¹

ISSUES FOR FCC DECISION:

The Commission must decide an appropriate length for the transition or permissive dialing period for the expansion from three to four digit CICs during which both three and four digit CICs will be recognized.

INTERESTED PARTIES:

Interested parties include access purchasers (such as LECs, IXC's, operator service providers, private payphone providers, and Private Branch Exchange or PBX owners) and the North American Numbering Plan Administrator.

CITES:

1. Administration of the North American Numbering Plan, Notice of Proposed Rulemaking, CC Docket No. 92-237, 9 FCC Rcd 2068 (1994)
2. Letter from Ms. Kathleen M.H. Wallman, Chief, Common Carrier Bureau, Federal Communications Commission, to Mr. Ron Conners, Director of NANP Administration, dated March 17, 1995.
3. Letter from Ms. Kathleen M. H. Wallman, Chief, Common Carrier Bureau, Federal Communications Commission, to Mr. Ronald R. Conners, NANP Administration, dated September 26, 1995.
4. Letter from Ms. Kathleen M. H. Wallman, Chief, Common Carrier Bureau, Federal Communications Commission, to Mr. Ronald R. Conners, NANP Administration, dated October 23, 1995.
2. Further Comments, Carrier Identification Codes, CC Docket No. 92-237, Public Notice DA 96-678 ((Com. Car. Bur. April 30, 1996).

¹ With three digit CICs, the CAC is five digits ("10XXX"), with the last three digits ("XXX") representing the chosen carrier's unique CIC.

SUBJECT: TOLL FREE SERVICE ACCESS CODES

SUMMARY: On October 4, 1995, the Commission adopted a Notice of Proposed Rulemaking ("NPRM") seeking comment on a variety of proposals concerning the ways toll free numbers should be reserved, assigned, and generally used. Specifically, the Commission proposed to take steps to: (1) promote the efficient use of toll free numbers; (2) foster the fair and equitable reservation and distribution of toll free numbers; (3) smooth the introduction of new toll free codes as numbers within operational codes are consumed; (4) guard against warehousing of toll free numbers; and (5) determine how toll free vanity numbers should be treated. The experience with 800 toll free numbers leads the Commission to believe that it is necessary to initiate this rulemaking proceeding, through which the Commission seeks to assure that, in the future, toll free number exhaust are allocated on a fair, equitable, and orderly basis. The Commission also seeks to assure that the transition period during which toll free numbers in one toll free code are approaching full consumption and another code is being introduced is smooth, without disruption of service to existing subscribers or interruption in the availability of toll free numbers for new subscribers.

In light of the December 1995 Federal government furlough and subsequent emergency snow days in January 1996, the Commission, in an Order adopted January 24, 1996 (FCC No. 96-18), concluded that the most efficient way to ensure that the necessary Commission decisions are made for the March 1st deployment of 888 numbers was to delegate to the Common Carrier Bureau ("Bureau") the authority to make them. On January 25, 1996, the Bureau adopted a Report and Order (DA 96-69) addressing measures to ensure that 888 toll free calls could be placed nationwide on March 1, 1996. The Bureau left other toll free issues raised in the NPRM to be addressed in a subsequent Commission Order. On February 29, 1996, in a letter from Regina Keeney, Chief of the Common Carrier Bureau to Michael Wade, President of Database Service Management, Inc. ("DSMI"), the Bureau directed DSMI to lengthen the opportunity for existing 800 subscribers to have their equivalent 888 numbers placed in "unavailable" status, pursuant to the Bureau's January 25 Report and Order. On March 1, 1996, the Bureau's Network Services Division adopted an Order (DA 96-280) dismissing as moot a petition and motion filed by certain 800 subscribers whose equivalent 888 numbers were erroneously omitted from the list of "unavailable" numbers.

STATUS:

Common Carrier Bureau, Network Services Division Order adopted March 1, 1996, released March 1, 1996; Common Carrier Bureau Report and Order adopted January 25, 1996, released January 25, 1996; Commission Delegation Order adopted January 24, 1996, released January 25, 1996; Notice of Proposed Rulemaking adopted October 4, 1995, released October 5, 1995. A Commission Report and Order, addressing additional toll free issues, is being drafted in the Network Services Division.

BACKGROUND:

Toll free service differs from traditional telephone service in that the charges for toll free calls are paid by the called party (i.e., the 800 subscriber). Toll free numbers are contained in a database known as the Service Management System ("SMS"). To obtain a toll free number, a subscriber must choose a vendor who offers toll free services. The vendor will obtain the number from a Responsible Organization ("RespOrg") and make the necessary arrangements with the carriers to initiate the toll free service. RespOrgs can gain access to and modify the subscriber's record in the SMS database. There are approximately 160 RespOrgs currently managing toll free numbers.

Toll free service has proven to be very popular because it provides callers with a free and convenient means of contacting parties holding toll free numbers. Toll free numbers are widely used today for business purposes, personal needs, and for access to such services as voice mail and paging devices. The original toll free service access code ("SAC") was 800. Of the approximately 8 million 800 numbers originally available, less than 450,000 800 numbers are available for subscribers today.

Earlier in 1995, the industry selected 888 as the first relief toll free code and reserved 877, 866, 855, 844, 833, and 822 as the subsequent relief toll free codes. The industry originally estimated that modification in the local exchange networks to enable use of 888 numbers would not be completed until April 1, 1996, but the 888 deployment was then advanced to March 1, 1996. After a single week in June, in which over 113,000 800 numbers were assigned, the industry approached the Bureau for assistance out of fear that the supply of 800 numbers would be depleted in advance of 888 service access code introduction. In response, the Bureau developed a conservation plan designed to slow the depletion of 800 numbers. This conservation plan was lifted on May 10, 1996 after the Bureau was confident that 888 numbers were working throughout the country.

The NPRM sought comment on a number of issues, including the efficient use of toll free numbers, the mechanics of opening new toll free codes, ways to prevent warehousing of toll free numbers, vanity number replication, circuit breaker models, toll free directory assistance, the tariffing process, and public education regarding new toll free codes.

In the Report and Order adopted on January 25, 1996, the Bureau decided only those issues addressed in the NPRM that were essential to the March 1, 1996 deployment of 888 number. In the Order, the Bureau: (1) encouraged RespOrgs to continue to poll their 800 subscribers to identify those subscribers who wish to obtain their corresponding 888 numbers; (2) allowed RespOrgs to send this information to Database Services Management, Inc. ("DSMI") no later than 11:59 p.m. eastern standard time, February 1, 1996; (3) directed DSMI to set these numbers aside in the SMS database by marking them "unavailable;" (4) concluded that the entire "888-555" NXX should be designated "unavailable" until the Commission resolves those issues that will permit competitive directory assistance services; (5) concluded that 888 numbers should be reserved on a first come, first served basis; (6) increased the weekly 800 number allocation for three weeks (January 28 through February 17, 1996) from 29,000

numbers each week to 73,000 numbers each week; (7) allowed 888 number reservation to begin at 12:01 a.m. eastern standard time, February 10, 1996 under a limited 888 conservation plan; (8) adopted an 888 conservation plan, modeled after the 800 conservation plan, with a weekly allocation of approximately 120,000 888 numbers and increases each RespOrg's weekly allocation by a factor of four; (9) stipulated that the minimum quantity of toll free numbers that any RespOrg will receive is 100 for the modified 800 conservation plan and 200 for the 888 conservation plan; and (10) concluded that, for tariffing purposes, 888 service should be treated like 800 service and that the associated investment and expenses of carriers regulated by price caps should not be given exogenous cost treatment.

Disputes subsequently arose regarding whether certain 888 numbers should have been made "unavailable" as a result of the Bureau's Report and Order adopted on January 25. Some 800 subscribers indicated that DSMI or their RespOrgs erroneously omitted from the list of "protected" numbers certain numbers identified by the 800 subscribers as numbers that the subscribers wished to protect in the 888 code. On February 29, 1996, the Bureau took action to ensure that these subscribers were protected in the manner contemplated by the Bureau's January 25 Report and Order. In a letter from Regina Keeney, Chief of the Common Carrier Bureau to Michael Wade, President of DSMI, the Bureau directed DSMI to reclassify as "unavailable" 888 numbers not set aside in this category and subsequently identified by 800 subscribers or RespOrgs as numbers erroneously omitted from the pool of "unavailable" numbers, as long as the numbers were not already in "working" status. The Bureau directed that such requests must be in writing from either the 800 subscribers of the 888 numbers at issue or such subscribers' RespOrgs. Such requests had to be received by DSMI no later than 11:59 p.m., March 15, 1996.

On March 1, 1996, the Bureau's Network Services Division adopted an Order dismissing as moot an Emergency Motion to Stay and an Emergency Petition for Special Relief filed by certain 800 subscribers whose equivalent 888 numbers were erroneously omitted from the pool of "unavailable" numbers. As of March 1, 1996, 888 numbers were available for public use.

ISSUES:

A number of issues raised in the NPRM will be addressed in a subsequent Report and Order, including:

1. ways to promote the efficient use of toll free numbers: For example: (a) making sure that toll free numbers are available to subscribers who need and want them rather than reserved or assigned to consumers or businesses who did not ask for them; (b) requiring a one time deposit into an escrow account for each toll free number held in reserved status by RespOrgs, 800 Service Providers, third party agents and/or toll free service subscribers; (c) revising the process for recycling previously used toll free numbers; and (d) the use of personal identification numbers to expand the number of users who can use a single toll free number.
2. the mechanics of opening new toll free codes: For example: (a) the implementation

plan for the next toll free code beyond 888; and (b) the tracking of toll free number usage.

3. ways to prevent the warehousing of toll free numbers;
4. vanity numbers: For example: (a) allowing a right of first refusal for current holders of vanity 800 numbers; (b) whether there should be a cost involved in allowing any such right; and (c) alternatives to a right of first refusal, including the use of standard industrial classification codes and/or a transitional gateway intercept.
5. whether 800 and 888 toll free Directory Assistance should be combined into interchangeable toll free Directory Assistance;
6. whether the administration of the SMS/800 database should be changed;
7. whether additional public awareness efforts regarding new toll free codes should be undertaken;
8. whether a circuit breaker model should be implemented to regulate consumption of toll free numbers;

INTERESTED PARTIES:

Telecommunications carriers, large and small businesses, individual toll free service customers

CITES:

Toll Free Service Access Codes, Notice of Proposed Rulemaking, CC Docket No. 95-155, FCC No. 95-419 (adopted October 4, 1995); Order, FCC No. 96-18 (adopted January 14, 1996); Report and Order, DA 96-69 (adopted January 15, 1996); Order, DA 96-280 (adopted March 1, 1996).